

February 26, 2001

Lynn Saxton
Golden Gate University
Environmental Law and Justice Clinic
School of Law
536 Mission Street
San Francisco, CA 94105-2968

Subject: Public Comment on Title V permits for:

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|--------------------------|----------------|
| Anheuser-Busch, Inc. | Facility A0606 |
| Shore Terminals-Selby | Facility A0581 |
| Shore Terminals-Martinez | Facility A7034 |
| Crockett Cogeneration | Facility A8664 |

Dear Ms. Saxton:

Thank you for your letter of December 12, 2000, commenting on the above permits. Your letter comments on the legal insufficiency of the Schedule of Compliance section of the permit.

As we stated in our letter to you of January 24, 2001, EPA does not require a statement of compliance. These statements are the responsibility of the facility and are contained in the permit applications and yearly compliance certifications.

Your letter also objects to the specific language of the schedule of compliance. It is true that the language for the schedule of compliance is standard, and would only vary if the facility were out of compliance. EPA considers that our standard language is acceptable. We do not believe that changing the language in the first sentence from "shall comply" to "shall continue to comply" is necessary.

Your comment on the second sentence points out that part 70 states that the facility must comply with future requirements "on a timely basis." We agree that inserting the phrase "on a timely basis" into this and future permits is useful.

Your letter also states that the schedule of compliance does not point out whether there are future requirements. The permits show future requirements in the "Future Effective Date" columns in the Applicable Requirements tables in Section IV of the permits. These particular permits do not have future requirements at this time. Of course, if the District or EPA promulgates or changes a rule during the permit term that affects one of these facilities, there could be a future requirement. The permit holder would be required to comply with this requirement even if the permit had not been amended to include the new requirement. Therefore, the statement "The permit holder shall also comply with applicable requirements that become effective during the term of the permit." is sufficient.

In regards to your comment regarding the 1995 Notice of Violation (NOV) for Crockett Cogen or the 1998 NOV for Shore Terminals-Selby, the District would like to point out that because a facility may have been in violation in the past does not mean that the facility is out of compliance at the time of permit issuance. In fact, many violations are of short duration, and may not be a good indicator of continuing compliance.

As we have mentioned in our previous letter to you, the District has decided to review compliance for each facility and prepare a report containing appropriate observations regarding compliance at the time of initial Title V permit issuance. Accordingly, every proposed Title V permit placed on public comment after December 15, 2000 will be accompanied by a staff report containing an evaluation of the recent compliance history and current status. In general, these reports will review compliance activities and violation history at the facility during the year prior to initial issuance of the permit. These reports will be prepared for the initial issuance and all renewals.

I will pass your comments on the Notices of Violation (NOVs) for Owens-Brockway to the Director of Enforcement and the Air Pollution Control Officer. Of course, these NOVs do not affect the above facilities.

The District intends to issue the above Title V permits soon. I will enclose a copy of your comment and this response in our submittal to EPA. Thank you for your constructive comments.

If you have any questions about this issue, please call me at (415) 749-4704.

Yours truly,

William deBoisblanc,
Director, Permit Services

Attachments

cc: Helen Kang, Golden Gate University,
Amy Zimpfer, Environmental Protection Agency

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